

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.817 of 2024 (S.B.)**

Surekha Bhumeswar Sonkusare,
aged about 40 years, Occupation: Service (Junior Clerk),
R/o Plot No. 91, Flat No. 101, Samarth Palace,
Radhkrushna nagar, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through it's Additional Chief Secretary,
Home Department, Mantralaya, Mumbai-32.
- 2) The Transport Commissioner (M.S.),
5th Floor, Fountain, Telephone Exchange Bhavan,
Mahatma Gandhi Marg, Fort, Mumbai-400001.
- 3) Regional Transport Officer,
Nagpur (City), In front of Giripeth Post Office,
Amravati Road, Nagpur.

Respondents.

Shri S.N. Gaikwad, Advocate for the applicant.

Shri A.P. Potnis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Acting Chairman.**

Dated :- 22/04/2025.

JUDGMENT

Heard Shri S.N. Gaikwad, learned counsel for applicant
and Shri A.P. Potnis, learned P.O. for respondents.

2. The case of the applicant in short is as under –

The applicant was appointed on 30/05/2015 as a Junior
Clerk in office of Regional Transport Office, Nagpur (City). The

applicant joined on the said post on 03/06/2015. Since then, applicant performed her duties satisfactorily. There is no any complaint against the applicant.

3. The State Government has issued Ordinance dated 29/08/2024, whereby, amended the Rule 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "The Transfer Act, 2005") and extended the period of transfer from April and May to 31/08/2024. Respondent no.3 has issued the impugned transfer order dated 31/08/2024, whereby, the services of applicant came to be transferred from the office of Regional Transport Office, Nagpur City to the office of Regional Transport Office, Nagpur Rural. The order itself shows that it is the general transfer and only it is mentioned that in compliance of the Transfers Act, 2005, but there is no any reason mentioned in the impugned order. There is no any administrative exigency. The impugned order itself is in violation of provision of Section 4 (4) and 4 (5) of the Transfers Act,2005. Hence, it is liable to be quashed and set aside.

4. The O.A. is strongly opposed by respondents. It is submitted that the applicant is transferred from Nagpur City to Nagpur Rural. No any prejudice will cause to the applicant. Transfer is a condition of service and therefore the O.A. is liable to be dismissed.

5. During the course of submission, learned counsel for applicant has pointed out the appointment order dated 30/05/2015. As per the condition mentioned in the appointment order, the applicant cannot be transferred out of Nagpur City Division. She can be transferred only in Nagpur City Division, therefore, transfer of the applicant out of Nagpur City Division is not legal and correct. The learned counsel for applicant has filed the Circular / order dated 24/02/2025. It is marked as Exh-X for identification. As per this Circular / order, the transfer of the applicant can be made in Nagpur City, Wardha and Nagpur East. The applicant is transferred in Nagpur Rural area. It is in contravention of guidelines given in the Circular / order dated 24/02/2025 and also the condition mentioned in appointment order. Condition no.17 of the appointment order dated 30/05/2015 is reproduced below –

“१७. उमेदवार नागपूर (शहर) विभागाच्या परिक्षेत्रातील कोणत्याही कार्यालयात बदलीस पात्र राहतील.”

6. The material part of the Circular / order dated 24/02/2025 is reproduced below –

| अ. क. | विभागाचे नांव | कार्यालयांची नावे | बदली,पदोन्नती व सेवाजेष्ठताचे कार्यालय |
|-------|--------------------|--|--|
| १२. | नागपूर (शहर) विभाग | प्रापका नागपूर (शहर), उप प्रापका वर्धा, उप प्रापका, नागपूर (पूर्व) | प्रापका नागपूर (शहर), उप प्रापका वर्धा, उप प्रापका, नागपूर (पूर्व) |

| | | | |
|-----|---------------------------|--|--|
| १३. | नागपूर (ग्रामीण) विभाग | प्रापका नागपूर (ग्रामीण), प्रापका चंद्रपूर, उप प्रापका, गडचिरोली, उप प्रापका, भंडारा, उप प्रापका, गोंदीया | प्रापका नागपूर (ग्रामीण), प्रापका चंद्रपूर, उप प्रापका, गडचिरोली, उप प्रापका, भंडारा, उप प्रापका, गोंदीया |
|-----|---------------------------|--|--|

7. It is clear from the condition mentioned in the appointment order and condition mentioned in the Circular / order dated 24/02/2025, the applicant cannot be transferred in Nagpur Rural area. Therefore, transferring the applicant in Nagpur Rural division is not legal and proper. Hence the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned transfer order dated 31/08/2024 in respect of applicant only is hereby quashed and set aside.
- (iii) No order as to costs.

Dated :- 22/04/2025.

dnk.

(Justice M.G. Giratkar)
Acting Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Acting Chairman.

Judgment signed on : 22/04/2025.